

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
SYRACUSE DIVISION**

CNY FAIR HOUSING, INC., *et al.*

Plaintiffs,

v.

CLOVER GROUP INC., *et al.*

Defendants.

Civ. Case No. 5:21-cv-00361-BKS-ML

JOINT STATUS REPORT IN RESPONSE TO COURT'S MARCH 1 ORDER

Plaintiffs and Defendants hereby submit this Joint Status Report in response to the Court's March 1, 2023, Text Order (Dkt. 74) ("March 1 Order"), directing the parties to "file next detailed status reports by 3/31/2023."

As to the progress of discovery, Plaintiffs and Defendants have begun producing documents responsive to the first sets of requests for production and have responded to the other side's interrogatories. Plaintiffs have taken two depositions and have also scheduled four more depositions of Defendant witnesses, to take place in April and May.

On March 27, 2023, Plaintiffs' counsel and Defendants' counsel met and conferred regarding various discovery matters, including: relevant email custodians; the scope and modification of certain search terms under the parties' Joint E-Mail Protocols and an addendum thereto; non-party discovery; anticipated timing of the parties' supplemental discovery productions; anticipated timing of depositions of Plaintiffs' witnesses; various alleged deficiencies in Plaintiffs' written discovery responses. On the same date, following the meet and confer, Plaintiffs' counsel sent Defendants' counsel a deficiency letter regarding Defendants'

interrogatory responses and anticipate meeting and conferring to attempt to resolve differences. The parties have a further meet and confer scheduled for April 5, 2023. The parties continue to work collaboratively and diligently to keep discovery moving in this case.

The parties do dispute which properties are at issue in this case. Clover contends that there are only 20 properties subject to discovery in this matter. That list consists of properties either managed or owned by a named defendant but excludes properties mentioned in the Complaint that are managed by Clover Management West, Inc., which is not a party in this action, and are owned by a non-Defendant. Those properties are situated outside of New York state. Plaintiffs assert, based on deposition testimony to date, that it is clear that all of the properties described in the Complaint—which includes eight additional properties located in Pennsylvania and Ohio that are not included in the list of 20—are managed and operated by employees of Defendant Clover Management, Inc., and that Clover Management, Inc. is therefore responsible for the alleged discriminatory conduct occurring at those properties. Plaintiffs raised this issue to Defendants in Plaintiffs’ deficiency letter and anticipate that Defendants will respond shortly.

Dated: March 30, 2023

/s/ Reed Colfax

Reed N. Colfax*

Sara K. Pratt*

Soohyun Choi (Bar Roll #703440)

Gemma Donofrio*

Gabriel Diaz*

RELMAN COLFAX PLLC

1225 19th Street, N.W., Suite 600

Washington, D.C. 20036

(202) 728-1888

(202) 728-0848 (facsimile)

rcolfax@relmanlaw.com

spratt@relmanlaw.com

schoi@relmanlaw.com

gdonofrio@relmanlaw.com

gdiaz@relmanlaw.com

**Admitted Pro Hac Vice*

Counsel for Plaintiffs

**DUKE, HOLZMAN, PHOTIADIS &
GRESENS LLP**

/s/ Elizabeth A. Kraengel

Gregory P. Photiadis

Elizabeth A. Kraengel

701 Seneca Street, Suite 759

Buffalo, NY 14210

(716) 855-1111

(716) 855-0327 (facsimile)

gpp@dhpqlaw.com

ekraengel@dhpqlaw.com

Counsel for Defendants

Conor Kirchner (Bar Roll #518898)

Casey Weissman-Vermeulen (Bar Roll #702110)

CNY Fair Housing, Inc.

731 James Street, Suite 200

Syracuse, NY 13203

(315) 471-0420

ckirchner@cnyfairhousing.org

cweissman-vermeulen@cnyfairhousing.org

FOX ROTHSCHILD LLP

Scott Badami (*pro hac vice*)

W. Christian Moffitt (*pro hac vice*)

10 Sentry Parkway, Suite 200

P.O. Box 3001

Blue Bell, PA 19422

(610) 397-6500

(610) 397-0450 (facsimile)

sbadami@foxrothschild.com

cmoffitt@foxrothschild.com

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March, 2023, a copy of the foregoing Joint Status Report was filed using the CM/ECF system for the Northern District of New York, which shall serve as notice of filing on all counsel of record.

/s/ Reed Colfax
Reed Colfax
Attorney for Plaintiffs